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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,579	09/12/2000	Jay S. Walker	96-067-C1	2261
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WALKER DIGITAL MANAGEMENT, LLC 2 HIGH RIDGE PARK STAMFORD, CT 06905				
			EXAMINER VU, NGOC K	
			ART UNIT 2623	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/660,579	<b>Applicant(s)</b> WALKER ET AL.	
	<b>Examiner</b> Ngoc K. Vu	<b>Art Unit</b> 2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,10-12,14,15,32-36 and 41-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 10-12, 14, 15, 32-36 and 41-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/30/2007 has been entered.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 2, 10-12, 14, 15, 32-36 and 41-68 have been considered but are moot in view of the new ground(s) of rejection.

***Double Patenting***

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1, 2, 10-12, 14, 15, 32-36, 41, 42, 44-51, 53-58, and 60-67 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 6, 8, 11, 15 and 19-24 of U.S. Patent No. 6,209,028 in view of Field et al. (US 4,410,911).

Regarding claim 1, claims 1, 2, and 6 of Patent '028 include the limitations of claim 1, except the features of synchronizing the supplemental audio information to the broadcast

television program such that the supplemental audio information does not conflict with an audio component of the broadcast television program when listened to simultaneously, and transmitting the supplemental audio information simultaneously with the broadcast television program to the user such that the supplemental audio information does not conflict with the audio component of broadcast television program. However, the feature of synchronizing the supplemental audio information to the broadcast television program is disclosed by Field in that a viewer can watch a television program on a television set while simultaneously listening to its accompanying sound in stereo using an FM receiver (see col. 1, line 66 to col. 2, line 5). Field further discloses simultaneously transmitting normal audio signal of a video program and additional audio information associated with the video program to user such that the additional audio information does not conflict with the normal audio signal (see col. 5, lines 10-18). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify claims 1, 2, and 6 of Patent '028 by simultaneously transmitting normal audio signal of a video program and additional audio information associated with the video program to user such that the additional audio information does not conflict with the normal audio signal and providing a viewer to simultaneously listen to the audio component of a television program via a television set and its accompanying sound in stereo via an FM receiver as disclosed by Field in order to enhance entertainment of the television program.

Regarding claims 2, 44 and 53, claims 1-2 of Patent '028 encompasses the limitations of claims 2, 44 and 53.

Regarding claim 45, claims 1, 2, and 6 of Patent '028 include the limitations of claim 45 except the features of transmitting the supplemental audio information through said apparatus to a speaker of a telephone. However, claim 11 of Patent '028 recites transmitting the requested supplemental information via a telephone network interface. It would have been obvious to one

of ordinary skill in the art at the time the invention was made to modify claim 1 of Patent '028 by transmitting the requested supplemental information via a telephone network interface in order to reduce cost for transmitting data over the network. Claim 11 of Patent '028 does not explicitly include the telephone network interface comprising a speaker. Official Notice is taken that a telephone interface unit comprising a speaker to permit voice communication from a sender to be heard by a receiver is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify telephone network interface of claims 1, 2, and 6 of Patent '028 by including a speaker in order to permit voice communication from a sender to be heard by a receiver.

Regarding claims 60 and 61, claims 1, 2, and 6 of Patent '028 does not include the feature of receiving the request and transmitting the supplemental audio information via the Internet. Official Notice is taken that communicating between a user and a provider over Internet network for receiving/transmitting data is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify claims 1, 2, and 6 of Patent '028 by receiving/transmitting data via Internet in order to provide a network communication between users and a provider remotely and widely.

Regarding claim 10, claim 15 of Patent '028 includes the limitations of claim 10 except the features of synchronizing the supplemental audio information to the broadcast television program such that the supplemental audio information does not conflict with an audio component of the broadcast television program when listened to simultaneously, and transmitting the supplemental audio information simultaneously with the broadcast television program to the user such that the supplemental audio information does not conflict with the audio component of broadcast television program. However, the feature of synchronizing the supplemental audio information to the broadcast television program is disclosed by Field in that

a viewer can watch a television program on a television set while simultaneously listening to its accompanying sound in stereo using an FM receiver (see col. 1, line 66 to col. 2, line 5). Field further discloses simultaneously transmitting normal audio signal of a video program and additional audio information associated with the video program to user such that the additional audio information does not conflict with the normal audio signal (see col. 5, lines 10-18). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify claim 15 of Patent '028 by simultaneously transmitting normal audio signal of a video program and additional audio information associated with the video program to user such that the additional audio information does not conflict with the normal audio signal and providing a viewer to simultaneously listen to the audio component of a television program via a television set and its accompanying sound in stereo via an FM receiver as disclosed by Field in order to enhance entertainment of the television program.

Regarding claim 11, claim 15 of Patent '028 does not include the features of updating a database within the storage device. However, claim 20 of Patent '028 includes the step of updating a database indicating that the requested supplemental information has been transmitted in the transmitted step. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify claim 15 of Patent '028 by updating a database indicating that the requested supplemental information has been transmitted in order to keep track data transporting in an effective manner.

Regarding claim 12, claim 15 of Patent '028 does not include the features of requesting payment for the communicated supplemental information. Official Notice is taken that billing or charging viewer for playing a program is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify claim 15

of Patent '028 by requesting payment for the supplemental information in order to only allow an authorized user to play the supplemental information.

Regarding claim 46, claim 15 of Patent '028 does not include the limitations of claim 46. However, claim 1 of Patent '028 includes receiving the request from a caller via a telephone network. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify claim 15 of Patent '028 by receiving the request from a caller via a telephone network in order to reduce cost for transmitting data over the network.

Regarding claim 47, claim 15 of Patent '028 include the limitations of claim 47 except the features of outputting the supplemental audio information to a speaker of a telephone. However, claim 11 of Patent '028 recites transmitting the requested supplemental information via a telephone network interface. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify claim 15 of Patent '028 by transmitting the requested supplemental information via a telephone network interface in order to reduce cost for transmitting data over the network. Claim 11 of Patent '028 do not explicitly include the telephone network interface comprising a speaker. Official Notice is taken that a telephone interface unit comprising a speaker to permit voice communication from a sender to be heard by a receiver is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify telephone network interface of claim 15 Patent '028 by including a speaker in order to permit voice communication from a sender to be heard by a receiver.

Regarding claim 54, claim 15 of Patent '028 does not include providing the supplemental audio information during one or more gaps in the audio component of the broadcast television program. However, claim 2 of Patent '028 include providing supplemental dialogue does not overlap dialogue spoken by any character within the broadcast television program. Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was made to modify claim 15 of Patent '028 by providing the supplemental audio information during one or more gaps in the audio component of the broadcast television program in order to enhance entertainment of the television program without interfering between audio of the program and supplemental audio information.

Regarding claims 62 and 63, claim 15 of Patent '028 does not include the feature of receiving the request and transmitting the supplemental audio information via the Internet. Official Notice is taken that communicating between a user and a provider over Internet network for receiving/transmitting media data is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify claim 15 of Patent '028 by receiving a request and transmitting media data to a user via Internet in order to provide a network communication between users and a provider remotely and widely.

Regarding claim 14, claims 1, 2, and 8 of Patent '028 include the limitations of claim 14, except the features of synchronizing the supplemental audio information to the broadcast television program such that the supplemental audio information does not conflict with an audio component of the broadcast television program when listened to simultaneously, and transmitting the supplemental audio information simultaneously with the broadcast television program to the user such that the supplemental audio information does not conflict with the audio component of broadcast television program. However, the feature of synchronizing the supplemental audio information to the broadcast television program is disclosed by Field in that a viewer can watch a television program on a television set while simultaneously listening to its accompanying sound in stereo using an FM receiver (see col. 1, line 66 to col. 2, line 5). Field further discloses simultaneously transmitting normal audio signal of a video program and additional audio information associated with the video program to user such that the additional



audio information does not conflict with the normal audio signal (see col. 5, lines 10-18). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify claims 1, 2, and 8 of Patent '028 by simultaneously transmitting normal audio signal of a video program and additional audio information associated with the video program to user such that the additional audio information does not conflict with the normal audio signal and providing a viewer to simultaneously listen to the audio component of a television program via a television set and its accompanying sound in stereo via an FM receiver as disclosed by Field in order to enhance entertainment of the television program.

Regarding claim 14, claim 14 corresponds to claims 1, 2, and 8 of Patent '028 with "computer readable medium". It would have been obvious to have a CPU and a computer readable medium storing computer instructions in order to perform procedures by the CPU and/or operate the apparatus of claims 1, 2, and 8, automatically.

Regarding claim 15, claim 8 of Patent '028 encompasses the limitations of claim 15.

Regarding claim 48, claims 1, 2, and 8 of Patent '028 include the limitations of claim 48 except the features of outputting the supplemental audio information to a speaker of a telephone. However, claim 11 of Patent '028 recites transmitting the requested supplemental information via a telephone network interface. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify claims 1, 2, and 8 of Patent '028 by transmitting the requested supplemental information via a telephone network interface in order to reduce cost for transmitting data over the network. Claim 11 of Patent '028 do not explicitly include the telephone network interface comprising a speaker. Official Notice is taken that a telephone interface unit comprising a speaker to permit voice communication from a sender to be heard by a receiver is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify telephone network interface

of claims 1, 2, and 8 Patent '028 by including a speaker in order to permit voice communication from a sender to be heard by a receiver.

Regarding claim 55, claim 2 of Patent '028 encompass the limitations of claim 55.

Regarding claim 64, claims 1, 2, and 8 of Patent '028 do not include the feature of outputting the supplemental audio information to the user via the Internet. Official Notice is taken that communicating between a user and a provider over Internet network for receiving/transmitting media data is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify claims 1, 2, and 8 of Patent '028 by receiving media data or outputting the media data to a user via Internet in order to provide a network communication between users and a provider remotely and widely.

Regarding claim 32, claims 19-24 of Patent '028 include all limitations of claim 32 except the features of synchronizing the supplemental audio information to the broadcast television program such that the supplemental audio information does not conflict with an audio component of the broadcast television program when listened to simultaneously. However, the feature of synchronizing the supplemental audio information to the broadcast television program is disclosed by Field in that a viewer can watch a television program on a television set while simultaneously listening to its accompanying sound in stereo using an FM receiver (see col. 1, line 66 to col. 2, line 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify claims 19-24 of Patent '028 by providing a viewer to simultaneously listen to the audio component of a television program via a television set and its accompanying sound in stereo via an FM receiver as disclosed by Field in order to enhance entertainment of the television program.

Regarding claims 33-36, claims 19-24 of Patent '028 include receiving synchronization information, but do not include receiving ordering information comprising program identification

information, a telephone number, and paying for the supplemental audio information through a credit card transaction or telephone bill. Official Notice is taken that providing media program ID and telephone number used for ordering the media program and paying for the media program by a credit card transaction or through a telephone bill are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify claims 19-24 of Patent '028 by providing media program ID and telephone number used for ordering the media program and paying for the media program by a credit card transaction or through a telephone bill in order to allow the user easily purchase the media program.

Regarding claim 49, claims 19-24 of Patent '028 include the limitations of claim 49 except the features of outputting the supplemental audio information to a speaker of a telephone. However, claim 11 of Patent '028 recites transmitting the requested supplemental information via a telephone network interface. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify claims 19-24 of Patent '028 by transmitting the requested supplemental information via a telephone network interface in order to reduce cost for transmitting data over the network. Claim 11 of Patent '028 do not explicitly include the telephone network interface comprising a speaker. Official Notice is taken that a telephone interface unit comprising a speaker to permit voice communication from a sender to be heard by a receiver is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify telephone network interface of claims 19-24 Patent '028 by including a speaker in order to permit voice communication from a sender to be heard by a receiver.

Regarding claim 56, claims 19-24 of Patent '028 do not include providing the supplemental audio information during one or more gaps in the audio component of the broadcast television program. However, claim 2 of Patent '028 include providing supplemental

dialogue does not overlap dialogue spoken by any character within the broadcast television program. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify claims 19-24 of Patent '028 by providing the supplemental audio information during one or more gaps in the audio component of the broadcast television program in order to enhance entertainment of the television program without interfering between audio of the program and supplemental audio information.

Regarding claim 65, claims 19-24 of Patent '028 do not include the feature of outputting the supplemental audio information to the user via the Internet. Official Notice is taken that communicating between a user and a provider over Internet network for receiving/transmitting media data is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify claims 19-24 of Patent '028 by receiving media data or outputting the media data to a user via Internet in order to provide a network communication between users and a provider remotely and widely.

Regarding claim 41, claims 1 and 2 of Patent '028 include the limitations of claim 41, except the features of synchronizing the supplemental audio information to the broadcast television program such that the supplemental audio information does not conflict with an audio component of the broadcast television program when listened to simultaneously, and transmitting the supplemental audio information simultaneously with the broadcast television program to the user such that the supplemental audio information does not conflict with the audio component of broadcast television program. However, the feature of synchronizing the supplemental audio information to the broadcast television program is disclosed by Field in that a viewer can watch a television program on a television set while simultaneously listening to its accompanying sound in stereo using an FM receiver (see col. 1, line 66 to col. 2, line 5). Field further discloses simultaneously transmitting normal audio signal of a video program and

additional audio information associated with the video program to user such that the additional audio information does not conflict with the normal audio signal (see col. 5, lines 10-18). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify claims 1 and 2 of Patent '028 by simultaneously transmitting normal audio signal of a video program and additional audio information associated with the video program to user such that the additional audio information does not conflict with the normal audio signal and providing a viewer to simultaneously listen to the audio component of a television program via a television set and its accompanying sound in stereo via an FM receiver as disclosed by Field in order to enhance entertainment of the television program.

Regarding claim 42, claims 1 and 2 of Patent '028 include the limitations of claim 42, except the features of synchronizing the supplemental audio information to the broadcast television program such that the supplemental audio information does not conflict with an audio component of the broadcast television program when listened to simultaneously, and transmitting the supplemental audio information simultaneously with the broadcast television program to the user such that the supplemental audio information does not conflict with the audio component of broadcast television program, wherein the supplemental audio information comprises a foreign language version . However, the feature of synchronizing the supplemental audio information to the broadcast television program is disclosed by Field in that a viewer can watch a television program on a television set while simultaneously listening to its accompanying sound in stereo using an FM receiver (see col. 1, line 66 to col. 2, line 5). Field further discloses simultaneously transmitting normal audio signal of a video program and additional audio information associated with the video program to user such that the additional audio information does not conflict with the normal audio signal, wherein the supplemental audio information comprises a foreign language version such as French, Spanish or Japanese

languages (see col. 5, lines 10-18; col. 15, lines 35-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify claims 1 and 2 of Patent '028 by simultaneously transmitting normal audio signal of a video program and additional audio information associated with the video program to user such that the additional audio information does not conflict with the normal audio signal and providing a viewer to simultaneously listen to the audio component of a television program via a television set and its accompanying sound in stereo via an FM receiver, and wherein the supplemental audio information comprises a foreign language version as disclosed by Field in order to enhance entertainment of the television program.

Regarding claims 50-51, claims 1 and 2 of Patent '028 include the limitations except the features of outputting the supplemental audio information to a speaker of a telephone. However, claim 11 of Patent '028 recites transmitting the requested supplemental information via a telephone network interface. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify claims 1 and 2 of Patent '028 by transmitting the requested supplemental information via a telephone network interface in order to reduce cost for transmitting data over the network. Claim 11 of Patent '028 do not explicitly include the telephone network interface comprising a speaker. Official Notice is taken that a telephone interface unit comprising a speaker to permit voice communication from a sender to be heard by a receiver is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify telephone network interface of claims 1 and 2 of Patent '028 by including a speaker in order to permit voice communication from a sender to be heard by a receiver.

Regarding claims 57 and 58, claims 1 and 2 of Patent '028 encompass the limitations of claims 57-58.

Regarding claims 66 and 67, claims 1-2 of Patent '028 do not include the feature of transmitting the supplemental audio information via the Internet. Official Notice is taken that communicating between a user and a provider over Internet network for receiving/transmitting media data is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify claims 1-2 of Patent '028 by transmitting media data to a user via Internet in order to provide a network communication between users and a provider remotely and widely.

5. Claims 43, 52, 59, and 68 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2 and 11 of U.S. Patent No. 6,209,028 in view of Field et al. (US 4,410,911) and further in view of Kurtz (The New York Times, April 14, 1991, Section 3, page 8 - "Technology; A Way to Hear Stock Quotes While Watching Cartoons").

Regarding claim 43, claims 1 and 2 of Patent '028 include the limitations of claim 41, except the features of synchronizing the supplemental audio information to the broadcast television program such that the supplemental audio information does not conflict with an audio component of the broadcast television program when listened to simultaneously, and transmitting the supplemental audio information simultaneously with the broadcast television program to the user such that the supplemental audio information does not conflict with the audio component of broadcast television program. However, the feature of synchronizing the supplemental audio information to the broadcast television program is disclosed by Field in that a viewer can watch a television program on a television set while simultaneously listening to its accompanying sound in stereo using an FM receiver (see col. 1, line 66 to col. 2, line 5). Field further discloses simultaneously transmitting normal audio signal of a video program and additional audio information associated with the video program to user such that the additional

audio information does not conflict with the normal audio signal (see col. 5, lines 10-18). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify claims 1 and 2 of Patent '028 by simultaneously transmitting normal audio signal of a video program and additional audio information associated with the video program to user such that the additional audio information does not conflict with the normal audio signal and providing a viewer to simultaneously listen to the audio component of a television program via a television set and its accompanying sound in stereo via an FM receiver as disclosed by Field in order to enhance entertainment of the television program. Claims 1-2 of Patent '028 does not include the feature of the supplemental audio information comprising a descriptive audio version of the television program for the visual impaired. However, Kurtz discloses in The New York Times article that television station supplies audio descriptions and commentary for visually impaired about some of its program. Namely, during movie "Singing in the Rain", viewers learned that while Gene Kelly was being filmed singing in the rain, it was actually daytime and sunny. The commentary does not interrupt the dialogue but speaks over it (see "The New York Times" from IDS - page 3, 5th paragraph; page 4, last paragraph to page 5, 1st paragraph). It would have been obvious to one of ordinary skill in the art to modify claims 1-2 of Patent '028 by providing a descriptive audio version of the TV program as disclosed by Kurtz for the visual impaired purposes.

Regarding claim 52, claims 1 and 2 of Patent '028 include the limitations of claim 45 except the features of transmitting the supplemental audio information through said apparatus to a speaker of a telephone. However, claim 11 of Patent '028 recites transmitting the requested supplemental information via a telephone network interface. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify claims 1 and 2 of Patent '028 by transmitting the requested supplemental information via a telephone network interface in



order to reduce cost for transmitting data over the network. Claim 11 of Patent '028 does not explicitly include the telephone network interface comprising a speaker. Official Notice is taken that a telephone interface unit comprising a speaker to permit voice communication from a sender to be heard by a receiver is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify telephone network interface of claim 11 of Patent '028 by including a speaker in order to permit voice communication from a sender to be heard by a receiver.

Regarding claim 59, claims 1-2 of Patent '028 encompass the limitations of claim 59.

Regarding claim 68, claims 1-2 of Patent '028 do not include the feature of transmitting requested supplemental audio information via the Internet. Official Notice is taken that communicating between a user and a provider over Internet network for transmitting media data is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify claims 1-2 of Patent '028 by transmitting media data to a user via Internet in order to provide a network communication between users and a provider remotely and widely.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ngoc Vu/  
NGOC K. VU  
PRIMARY EXAMINER  
Art Unit 2623

January 16, 2008